



Montgomery County Planning Department
PO Box 643 Troy, NC
(910) 571-0249

Conditional Use permit request

In order for your conditional use permit to be processed, you must pay a one time, non-refundable fee of \$150.00. This fee covers the cost of advertising in the *Montgomery Herald* for two consecutive weeks and for notification of adjacent property owners by certified letter.

All sections of the request must be **filled out COMPLETELY** or your request will not be processed.

You must also supply a **copy of a tax map** showing the surrounding property. The map should show the general area in relation to neighborhoods, streets ect.

You should also supply a **copy of a plat map** that can be obtained at the Register of Deeds. This plat should be of the property requesting the rezoning.

You **must attend** the Planning Board and County Commissioner's meetings. The Planning Board meetings are held the 4th Monday of the month at 7pm. The County Commissioner's meetings are held on the 1st and 3rd Tuesday of the month at 6pm. Both meetings are held in the commissioner's room in the County Administration Building.

If you have any concerns regarding this request, please feel free to contact the County Planning Department.

Conditional Use Permit Request
Montgomery County Planning Department

Date _____

Fee Paid _____

Property Owner _____

Mailing address _____

Phone _____

Address of Property (if different) _____

What is currently on the property?

Lot size _____ Acres

Give directions to your property from Troy:

What proposed use of this property requires that a conditional use permit be issued ?

Additional information, to be supplied with this application.

A copy of the tax map of the property in question, showing all adjacent property owners.
A list of adjacent property owners that can be acquired from the tax office.

If a new structure is being placed on the property, A detailed drawing of the property,
with all existing and proposed buildings and structures shown. A statement in writing by
the applicant and adequate evidence showing that the proposed conditional use will
conform to the standards set forth in Section 4, see attachment.

Multiple copies of material on a format larger than 8 1/2" x 11" will need to be provided.

For the Planning Board, you will need to supply 6 copies.

For the Commissioners, you will need to supply 9 copies.

I understand that I or a representative must attend the Planning Board and
Commissioner's meeting in order for my request to be approved. I understand that any
incorrect information supplied here on my part may result in the revocation of this
application.

Applicant Signature

ARTICLE V. CONDITIONAL USES

Section 1. Purpose

The development and execution of this Ordinance is based upon the division of the county into districts within which districts the use of land and buildings, and the bulk and location of structures in relation to the land, are substantially uniform. *It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use in the particular location.* Such conditional uses fall into two categories:

- A. Use publicly operated or traditionally affected with a public interest.
- B. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

2.2 Application for Conditional Uses

An application for a conditional use shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application shall be accompanied by such plans and/or data prescribed by the Planning Board and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in Section 4. Such application shall be forwarded from the Zoning Administrator to the Planning Board with a request for review of said application and accompanying data and submission of a written recommendation thereon to the County Commissioners.

Section 4. Standards

No conditional use shall be recommended by the Planning Board unless such Board shall find:

- A. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare;
- B. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted,

nor substantially diminish and impair property values within the neighborhood;

- C. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- D. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values with the neighborhood;
- E. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets, and
- G. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the County Commissioners pursuant to the recommendations of the Planning Board.

Section 5. Conditions and Guarantees

Prior to the granting of any conditional use, the Planning Board may recommend, and the County Commissioners may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section 4 above. In all cases in which conditional uses are granted, the County Commissioners shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

Section 6. Fee

A nonrefundable fee for such application shall be paid at the time of application according to Article II, Section 7.

Section 7. Expiration

In a case where a Conditional Use Permit has not been exercised within the time limit set by the Board of County Commissioners or within six (6) months if no specific time limit has been set, then without further action, the permit shall be null and void. "Exercised" as set forth in this section shall mean that binding contracts for the construction of the main building have been let; or in the absence of contracts that the main building is under construction to a substantial degree; or that prerequisite conditions involving substantial investment are contracted for, in substantial development, or complete (sewerage, drainage, etc.). When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions set forth in the permit.

Section 8. Duration of Conditional Use

Any conditions imposed on a conditional use authorized and exercised shall be perpetually binding upon the property unless expressly limited by the Conditional Use Permit or subsequently changed or amended by the County Commissioners after a public hearing.